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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,922	05/23/2001	Satoru Ueda	7217/64561	1620

7590

10/06/2004

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EXAMINER

ADAMS, JONATHAN R

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/863,922	Applicant(s) UEDA, SATORU	
	Examiner Jonathan R Adams	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullor et al., US Patent No 6411941 (hereafter referred to as '941) in view of Asai et al., US Patent No 5371792 (hereafter referred to as '792).

As to claim(s) 1, 5, 9:

2. '941 teaches a secure software authorization distribution system storing authorization data with program data after a user request is sent to distribution site with computer identification data (Col 5, Line 45 – Col 6, Line 3, '941). '941 does not teach for the software distribution to be carried out by physical delivery of a storage medium. '792 teaches a CD-ROM software distribution method using a recordable portion and security code portion (Fig 1, Elements 14 and 16b, '792). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the physical software distribution means and program region /security code region of '792 with the secure software authorization and distribution system of '941. One of ordinary skill in the art would have been motivated to use the physical software distribution means and program region /security code region of '792 with the secure software authorization and distribution system of '941 because it is slow to distribute large software over a limited

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bandwidth communication line and in some cases would speed delivery time to distribute software by CD-ROM.

3. As to claim(s) 2, 6, 10:

Recording medium comprises read-only portion for storing a software program / CD-ROM disk (Fig 1, Element 10, '792), Recording region (Fig 1, Element 14, '792)

4. As to claim(s) 3:

Users access authorization data comprises user information for specifying user and user's access environment and payment information related to payment of fees to a rights holder / request for license includes identification of the computer and the license-record (Col 3, Line 55, '941) associated with the purchaser of a software product (Col 6, Line 13, '941)

5. As to claim(s) 4:

Recordable portion comprises a write-once portion / Users access authorization data is recorded in write-once portion / CD-ROM is written once at manufacture time

6. As to claim(s) 7:

Software program storage medium including a recordable portion for storing a software program provided to a user and users access authorization data / CD-ROM disk (Fig 1,

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Element 10, '792), Recording region (Fig 1, Element 14, '792), security code portion (Fig 1, Elements 14 and 16b, '792)

Database apparatus for storing users access authorization data / CD-ROM disk (Fig 1, Element 10, '792)

7. As to claim(s) 8, 11:


User access authorization data includes user information for specifying a user and user access environment and payment information related to payment of fees to a rights holder / request for license includes identification of the users computer and the license-record (Col 3, Line 55, '941) associated with the purchaser of a software product (Col 6, Line 13, '941). As broadly as stated, the purchaser's information can be interpreted as payment information.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (571)272-3832 after 10/04. The examiner can normally be reached on Monday – Friday from 10am to 6pm.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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